

PRESS RELEASE

FOR IMMEDIATE RELEASE
April 11, 2003

For Information Contact Public Affairs
HARRIET BERNICK
Telephone: (602) 514-7736
Pager: (602) 356-0004

UNITED STATES FOUND NOT LIABLE IN TRAIN RELATED INJURY SUFFERED BY UNDOCUMENTED ALIEN

TUCSON, ARIZONA -- The United States Attorney's Office for the District of Arizona announced that on April 10, 2003, the United States District Court, in Tucson Arizona, following a three day bench trial, found no liability on behalf of the United States in connection with injuries suffered by Juan Carlos Franco Franco, an undocumented alien, whose legs were amputated by a train on March 18, 1998.

Mr. Franco sued the United States claiming that on March 18, 1998, he had illegally entered at Nogales, Arizona and boarded a moving train to go north. Mr. Franco alleged that he was knocked off the moving train by a Border Patrol agent; he got away from the agent; he re-boarded the moving train; an agent followed him; and, as Franco attempted to jump off the moving train, the agent grabbed him and prevented Franco from clearing the train. Both of the Franco's legs were amputated. The evidence at trial showed that, although Border Patrol agents responded to scene

(MORE)

based on a report of undocumented aliens in the area, none of the agents chased Franco, or anybody else, onto the train.

The District Court Judge, the Honorable Manuel L. Real, found that Mr. Franco's account of the events was not credible, that Franco's fall was unrelated to any conduct of a Border Patrol agent, and found no negligence on behalf of the United States. Although Plaintiff claimed not to understand much English at trial, the Court found that Plaintiff understood more English than he admitted to and that he was answering questions posed to him in English before they were completely translated into Spanish.

Mr. Franco's case was tried by the Tucson Law Firm of Risner and Graham, and was defended by the United States Attorney's Office, District of Arizona, through Assistant United Attorneys Daniel G. Knauss and Richard E. Gordon

CASE NUMBER: CV 00-536-TUC-MLR
RELEASE NUMBER: 2003-058

#